

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

v.

RODNEY BUTLER,

Movant.

No. 2:04-cr-0019 MCE AC

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (ECF No. 175) as well as a motion to dismiss for lack of subject matter jurisdiction (ECF No. 151) and a request to arrest judgment (ECF No. 180). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 15, 2016, the magistrate judge filed findings and recommendations herein which were served on movant and which contained notice to movant that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 189. Movant received an extension of that time (ECF No. 193) and timely filed objections to the findings and recommendations (ECF No. 197).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the

1 court finds the findings and recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed January 15, 2016 (ECF No. 189), are adopted
5 in full.

6 2. Movant's June 18, 2015 motion to vacate, set aside, or correct his sentence pursuant to
7 28 U.S.C. § 2255 (ECF No. 175) is denied.

8 3. Movant's motion to dismiss (ECF No. 151) is denied.

9 4. Movant's request to arrest judgment (ECF No. 180) and motion to amend the request
10 (ECF No. 186) are denied.

11 5. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
12 2253.

13 Dated: April 20, 2016

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15 MORRISON C. ENGLAND, JR., CHIEF JUDGE
16 UNITED STATES DISTRICT COURT
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